**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL MISC.APPLICATION No. 133 of 1998**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**PATEL ARVINDBHAI KESHABHAI & 6 - Applicant(s)**
**Versus**
**STATE OF GUJARAT & 2 - Respondent(s)**

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**Appearance :**
MR KUNAL S. SHAH FOR MR BA SURTI for Applicant(s) : 1 - 7.
MR MR MENGDEY for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 12/10/2007**

**ORAL JUDGMENT**

This petition has been filed by the original accused seeking quashing of complaint lodged before the court of Chief Judicial Magistrate, Himatnagar

being Inquiry Case No.179/97.

2. Briefly stated, the allegations made in the complaint were that the petitioner was taking away black soil from the goucher land of village Gotada, Taluka Himatnagar. The petitioner has stated in this petition that the complaint came to be filed on account of some misunderstanding when the driver of the tractor-trolley of the petitioner gave some evasive replies to the complainant. However, subsequently, the issues have been resolved between the parties. The petitioner has apologized to the Gram Panchayat and the Panchayat has also passed a resolution unanimously to withdraw the proceedings. However, since special interest is shown by the Police Officer, both sides are unable to act on the said settlement.

3. Considering the fact that the complainant has not chosen to deny the averments made in the petition, considering the nature of allegations in the complaint and considering that ultimately the issues have been resolved between the parties, at this distant point of time after nearly 10 years, I do not think it appropriate to reopen the old wound by permitting further investigation in the case which was stopped by this Court at one stage.

4. Under the circumstances, this petition is disposed of by quashing the complaint being Inquiry Case No.179/97 pending before the court of Chief

Judicial Magistrate, Himatnagar. Rule is made absolute accordingly.

(Akil Kureshi, J.)

(vjn)